

**CLEAN WATER COUNCIL**  
**Meeting Highlights**  
**June 8, 2004**

**Location:**

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike, Lawrenceville, NJ

**Attendees:**

Pat Matarazzo, Dan VanAbs, Carmen Valentin, Russ Furnari, Ferdows Ali, Lou Mason Neely, Helen Heinrich and Ursula Montis.

**PUBLIC HEARING FORMAT DISCUSSION - Carmen Valentin will facilitate this meeting.**

Date of the Hearing will be October 14, 2004 - 9:00 am - 12 pm - Lunch? - Place - TBD

Carmen put up a flip chart with points to be covered and questions to be answered at today's meeting.

- 1) Outcome - What are the outcomes we are expecting from this Hearing?
  - a) to get a better understanding of what stormwater management means
  - b) hands on stormwater management for municipalities
  - c) practical applications of stormwater management
  - d) primary benefit - CWC's mission for the Hearing
  - e) secondary benefit - educational aspect of the Hearing
- 2) Target Audience
  - a) Primary Target-  
Clean Water Council
  - b) Secondary Target- (people engaged in stormwater process)
    - Municipal officials
    - County officials
    - General public
    - Stakeholders
- 3) Points to illustrate
  - a) Understanding the stormwater management implementation process
  - b) What is the focus of the new regulations?
  - c) Who will be educated?
  - d) Identifying key issues arising from stormwater implementation
  - e) Making recommendations with response to Commissioner on the key issues that arise
- 4) Questions to be answered:
  - What was your initial reaction when you read the NJPDES stormwater rules and the stormwater management rules? Did you initially feel they were implementable? What about now?

- What parts of each rule require the greatest changes in your approach to stormwater management? How long will it take before these changes are fully integrated, and how much effort will be required?
- Are there parts of the rules that could be changed in a way that improves their effectiveness while reducing the impact on your constituents?
- What aspects of stormwater management require the greatest interaction with other players? What opportunities exist for cooperative approaches? Where is the potential for conflict the greatest?
- Can the stormwater rules truly be implemented with our existing institutions and financing approaches? Is something new needed, and if so, what?
- What should NJDEP's next step be for stormwater management, through both the NJAC 7:8 and NJPDES stormwater permitting rules? What will create the greatest benefit for water resources at least cost?
- Does your constituency have a realistic notion of what it will take to protect and restore water resources through stormwater management? What is needed to achieve realistic expectations?
- Who will pay for the enforcement fines levied on municipalities that do not make the deadline?
- Are we educating the right people in the right way - too technical- focus on engineers?
- Political cost of compliance?
- Are public schools under separate permit or municipal permit?
- Alternative funding sources for completing the Plan and can they accomplish this on their own?
- Can we do this with our existing finance and institution approaches?
- What will they have to give up to do this?

5) Speakers (names suggested by group)

- a) Municipal Planning / Engineering - Peter Messina, Bernards Twp.
- b) Municipal Public Works - Pat will reach out to Jerry Testa, Pres. Of NJ Public Works Assoc for 3 names
- c) Municipal Elected Official- Stafford Twp., Ocean Co. (or recommended official)
- d) County Planning - Ray Zabihach, Morris Co.
- e) County Engineering/Public Works - Fran Scarantino, Ocean Co.
- f) Development Community - Tony DeLodivico, Schorr DePalma
- g) Environmental Community - George Hawkins, Stony Brook
- h) NJDOT - ? (also) NJTurnpike - ?
- i) NJDEP - Bruce Friedman
- j) Soil Conservation District - Frank Minsch
- k) Legal - Neil Goldfein, League of Municipalities
- l) Agriculture - ?
- m) Business - NAIOP instead, Mike McGuinness
- n) Farm Community - ?

- o) Moderator - Tom O'Neil, NJ Partnership
- 6) Technical Staff - do not need any in the audience
- 7) Issues that may affect discussions:
  - a) Morris County Study - may have results by August
  - b) Stormwater Guidance Document - already out
- 8) Assignments:
  - a) Carmen will make up list of assignments for all
  - b) Carmen will get NJDOT and Rowan University people (ID and invite NJ Turnpike person) Russ will check on some of the other colleges he deals with as a backup.
  - c) Lou Neely will get Neal Goldfein for Legal
  - d) Moderator Tom O'Neal - Kerry or Larry Baier
  - e) Agriculture/Farmer - Helen will find them
  - f) Municipal Planning/Engineer - Peter Messina - Dan will get
  - g) Pat will contact Jerry Testa and get 3 names for Public Works
  - h) Elected Official - Stafford Twp, Ocean Twp. - Dan will check (also have Kerry check with Liz Semple and Bruce Friedman on which elected official they have worked with and would recommend)
  - i) Ray Zabihach - is already committed to us
  - j) Frank Scarantino - Dan will get him
  - k) Tony DeLodovico - Russ will talk to him
  - l) George Hawkins - Russ will talk to him

**Group discussion:**

Dan - Are we doing an event to educate a target audience or are we gathering information that can then be used to educate the people?

Carmen - That's a good question. Policy, or information?

Lou - It is not our job to educate the people, but rather to get a sense for their concerns and consolidate these issues into questions or policies.

Carmen - However, based on the scenario that was presented by Pat Matarazzo, in the process of going through this exercise, people would be educated. We still have to figure out if we are going to gather information or will it be a broader audience education.

Dan - This will be educational no matter what. Are we, the Council, the audience to be educated and then feed back ideas to the people, or is it some larger group of people that will be educated?

Carmen - We need to determine what we want to get out of this.

Russ - I look at it as doing an event to get everyone together to get a sharing of understanding for all the issues that would impact various members of the audience. Out of that process, we would get questions or issues that need be resolved and then bring them to the highest level. We would try to find out the focus of the regulation and what it is trying to achieve and what the shortcomings are when that reality is phased into the municipalities. We are primarily looking at the issues from the municipal viewpoint and not so much the stormwater management.

Dan - It's a question of institutional mechanics. In other words, what is the functional method by which stormwater management gets done? It isn't so much the science or the BMP technology, it's how folks interact, how they make it work, and how they do it. If we can get people with expertise to be there, rather than those who don't understand stormwater management, you are able to start at a much higher level. But at that point they are no longer an audience, they are participants. Maybe we can set it up so that we are aiming at the high level issues. For example, how do you have public works interact with engineering, the planning board, and the township engineer to make stormwater management work.? As long as you have the right players, it doesn't matter whether you have an audience or not. We will identify the issues and put them into a report that will be sent to every municipality in the state for review and comments.

The Council needs to understand the institutional mechanics and policies and the implementation issues of the stormwater program to come up with key ideas on how to make it work. It could then be presented to the Department for their consideration. Also, whoever attends the program will also receive a significant amount of information in the process. We (the CWC) should be the primary targeted audience and the secondary target should include whoever is engaged with the stormwater process.

Pat - How we word this, and whom we target in our brochure, is key to the success of this Hearing.

Lou - What we really want to do in the brochure, is ask that the participants help us understand the stormwater process.

Russ - We should make sure the brochure states that the CWC is working to identify key issues that are arising when implementing the new stormwater regulations. To do so, we have developed a scenario and invited a panel of experts who will participate as representatives of the various constituencies who take part in the process. The idea is to create a dialogue, and as a result, identify a list of issues. We would then address these issues and respond with recommendations to the Commissioner.

Carmen - What questions do we want answered?

Dan - I had sent in a list a while ago with suggestions for speakers, and a list of questions that were forwarded to the members to consider.

Group - list of questions are very good. (\*See outline)

Pat - Another thing to bring up would be the huge fining mechanism that is set up in the enforcement action of the NJPDES permit with mandatory, up front stipulated penalties that some are not aware of.

Helen - who will pay for these fines? And who should?

Carmen - good question.

Russ - We have to think of the types of questions we want to ask in order to get answers generated for the people. The information put into the two planning documents, stormwater pollution prevention plan and stormwater management plan, by individual towns or entities, will determine some of the secondary issues that can arise.

Dan - Also, another question to pose, would be the whole issue of potential conflicts and benefits of other surrounding regulations. How do they tie in with CAFRA, etc.

Helen - Another point to think about, is to have the person on stage wear a sign saying who he or she is. The second point is educating them as to how development is different. We could take them outside the building and show them how stormwater is being managed or not, in this facility. We could then show them according to law how it could be managed differently.

Russ- It is something we can work out in advance.

Pat - The Municipal government does not know the immensity or the impact of this program. It will cost a lot more of their budget than they are aware of. I think this Hearing will bring it to their attention.

Dan - We have to keep in mind that we are the audience and we are coming up with recommendations for DEP. DEP already knows that they have put a bear out among the chickens.

Russ - One of the things we may be able to target is giving DEP a realistic idea on the different issues that will cause problems. Because of the complexities and interrelationships between a particular piece and a specific regulation, you may not be able to meet a preconceived targeted time schedule.

Dan - In answer to that, I would have to question whether the Department's educational programs are on target. Are they educating the right people about the right things, or, are they over emphasizing the technology aspect of it and under emphasizing other things?

Carmen - DEP has a packaged presentation right now, but it is very difficult to customize each presentation to each town. So, I don't think they are addressing the needs of each municipality.

Dan - All the education has been focused on the engineer and not on the other players, or public works.

Helen - If I were a Mayor, and complied with the law, how would I get reelected?

Lou - It is probably our biggest problem, the political cost of compliance. It would have an impact on the general election.

Russ - There will be benefits to the community and its residents, but the municipalities will have to show them what the benefits will be.

Carmen - We need to pick the people for our speakers. Dan has suggestions on the speakers listed on the first page of the article sent out to all the members.

Dan - I can go over them for those who don't have the article. I had suggested Peter Messina from Bernards Twp, for municipal planning and engineer, as he is both. I was not sure of anyone for the role of Public Works.

Pat - I suggest Jerry Testa, President of NJ Public Works Assoc.

Lou - We can let Jerry Testa reach out to someone in Public Works to do this. I don't think he is right for this. We should ask him to give us three names to consider.

Dan - I would reach out to Stafford Twp., Ocean Co., for a municipal elected official. They have been on top of this issue for a while. Also, maybe someone from Ten Towns.

Carmen - You might want to have a geographic distribution for our participants.

Helen - Should we have a group of speakers for Tier A and another group for Tier B? Maybe the same group can handle both.

Pat - There is only 90 Tier B in the state.

Helen - Tier B government can do havoc on Agriculture. We should have someone from the Soil Conservation District.

Dan - We need someone on top of the stormwater issues. How about Frank Minsch, who came over from the Freehold District? He is very knowledgeable on this type of thing. With regards to county planning, Ray Zabihach, from Morris Co., is first choice. I would suggest Frank Scarantino, Ocean Co., for Co. Engineering/Public Works. He used to be president of the Municipal Engineers Society and he is now the Assistant Engineer in Ocean Co. Tony DiLodovico, from Schorr DePalma, would be a good choice for the Development Community slot. He is their regulatory affairs vice president. He keeps good track of the process of doing things. (Pat also suggested Nancy Wittenberg) For the Environmental Community, I would recommend George Hawkins. He did a paper explaining the whole process for municipalities, that the League of Municipality now has on their web site. I have lost track of who is at NJDOT. (Carmen said she could find someone from there.) We need someone who is responsible for the maintenance and management of stormwater systems on state and federal highways. From DEP we would probably want Rob Piel, from Land Use Regulations, or Bruce Friedman, who is the lead staff person for the municipal stormwater permitting program.(Bruce was first choice) As far as Legal, I don't have anyone.

Pat - I think Neil Goldfein, from League of Municipalities would be good for the Legal slot.

Lou - Should we bring the Turnpike into this? I think that whoever we pick for DOT can cover that.

Carmen- I can look into that.

Dan - We don't have the Business or Farm Community yet.

Pat - suggested Jim Sinclair, Vice Pres. Of NJ Business Industries, for the Business Community. He is the head of the environmental side.

Dan - The other possibility is someone from NAIOP (Nat'l Assoc. of Industrial Office Parks).

Russ - With NAIOP you are leaning toward the commercial side rather than just the industrial side.

Dan - The person from NAIOP would be Mike McGuinness.

Lou - We should do NAIOP in place of NJBA.

Carmen - So we will have a NAIOP person with a speaking role, and invite Jim Sinclair from NJBIA.

Russ - The other entities you might want to target is the hospitals and schools.

Pat - Chris Obrupta, from EcoComplex would be good. They are doing a lot of work on stormwater and beneficial reuse.

Dan - Rowan University has been doing stormwater retrofit projects on their campus as part of their engineering school work. That gives us a southwest Jersey voice.

Russ - Would the public schools be targeted for a separate permit, or would they already be covered under the municipal permit? If there is an option for there to be coverage under an individual public complex permit or municipal permit, which is the option the Department would take?

Dan - The assumption was that they would be a public complex.

Carmen - That could be one of the questions on our list to ask.

Ferdows - We did not cover Agriculture. You might want a separate speaker for Agriculture.

Dan - How does Agriculture interact with the system? From an agricultural prospective, how are farms affected by this program?

Helen - I think that there should be representative from either a landowner of a preserved farm, so that it's very clear we are not thinking about development but about agricultural viability, or someone who administers a right farm. There are conflicts between county and municipal governments, individual landowners, etc.

Dan - I think your idea of focusing on Ag viability as the crux of the issue is really critical.

Carmen - We need a name for a moderator. This person has to be neutral and all they will do is orchestrate the process.

Pat - How about Mary Sue Topper from DEP?

Dan - Tom O' Neil, who runs Partnership NJ, the leadership program, would be exceptionally good.

Carmen - suggested Gary Sondermeyer.

Dan - He is Chief of Staff at DEP. That's a little close to home.

Pat - Tom O'Neil would be great. (all agreed) We need an alternate just in case.

Dan - also suggested John Weingart, Assistant Director of Eagleton Institute. He was the head of the Lower Level Radioactive Waste Commission. He continually did a good job in interacting with the public in extreme situations.

Carmen - How about Marty Beirbaum from Municipal Land Use Center?

Dan - They are getting involved with stormwater issues, but I don't think Marty is known for that.

Pat - We should have him on the list - Tom O' Neil, John Weingart and Marty Bierbaum.

Carmen - Now what about the speakers' roles? Dan can go over what he suggested.

Dan - I like the case example approach where you essentially form a municipality. And for roles, each person projects their own experiences into the case municipality and addresses responsibilities, interactions, constraints and opportunities, and changes needed for improved management. For example, we don't have an engineer trying to be a Mayor, we have an engineer being an engineer. And not too technical, we want people be able to understand what is going on.

Russ - We should have each speaker give a very short introduction about themselves. The real answers will come out of posing the questions and scenarios, which we will have given them ahead of time, and the interaction between the other speakers who respond to those questions. That's when the Moderator comes in to facilitate and make sure the responses are not too long. We want it to be like a working group meeting.

Carmen- Do we need technical staff? We will probably need technical expertise in the audience in addition to ourselves to answer questions. Kerry had suggested running the hearing scenario by Barry Chalofsky to get a sense from him about the contents.

Dan - If we have Bruce Friedman involved, we probably will not need to do that. And if we have the people we want on the panel, we will not need technical answers from the audience.

Pat - We may have missed a person for the panel. We might consider a finance person. Someone like the town treasurer who can tell us about potential funding sources available.

Lou - We don't want to get into that. Incorporate the question of alternative funding sources and if the plan can be accomplished within their own funding source, in the panel questions. One of the facts that should come out in the scenario is that there is no new money coming in and this will have to be absorbed within the existing structure. How do we do that?



Dan - It comes down to the question, can we do this with our existing finance and institution approaches?

Carmen - The date of the Hearing is October 14<sup>th</sup>. Time span for the Hearing - 9:00 am - 12:00pm. Should we provide lunch? The place where the Hearing will be held has to be determined. Rutgers will work on the logistics on that for us.

Dan - This is a three hour program. Jamesburg is more central.

Carmen - We will make June 22<sup>nd</sup> the deadline to get the names we discussed. We need to form a subcommittee. Volunteers?

Carmen - Dan, Russ, Pat and Carmen will be on the subcommittee. We will meet on June 22<sup>nd</sup> at the NJ Water Supply Authority in Somerville, NJ at 10:00 a.m, in the new conference room at 74 E. Main Street. We would like Kerry to be there if possible. (directions can be found at [www.raritanbasin.org](http://www.raritanbasin.org))

Carmen - At that meeting, we will have the names for our speakers and we will have to start talking about logistics, what needs to be done next

Russ - After we make contact with these people, a formal letter should go out confirming their participation and with the names of all the other participants, including all of the questions that are going to be asked. This should go out to them as soon as possible.

Pat - The next deliverable will be to work on our script for the scenario of the fictitious town.

Russ - What we need to work on relating the script is cleaning up the questions. We should take the background that Pat had for the fictitious town and put it into an actual text to make up the history for the town.  
Carmen - Lou Neely should be on the brochure committee. He will write down suggestions he has that may be used as bullets in the brochure.



